

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 12, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:09OD-046

OAHU

Grant of Perpetual, Non-Exclusive Easements, to Department of Transportation
for Highway Lighting Purposes; Kaakaukui, Honolulu, Oahu; Tax Map Key (1)
2-1-15: 009 (portion) and 030 (portion)

APPLICANT:

Department of Transportation, whose business and mailing address is 601
Kamokila Boulevard, Kapolei, Hawaii 96707.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kaakaukui, Honolulu, Oahu, identified
by Tax Map Key (1) 2-1-15: 009 (portion) and 030 (portion), as shown on the
attached map labeled "Exhibit A".

AREA:

Easement E-1: 96 square feet, more or less.
Easement E-2: 394 square feet, more or less.

ZONING:

State Land Use District:	Urban
City & County of Honolulu LUO:	Industrial

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TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ____ NO
 X

CURRENT USE STATUS:

Parcel 9 is encumbered by Governor's Executive Order 4238, to the Department of Transportation, for cargo and passenger operation purposes.

Parcel 30 is encumbered by Governor's Executive Order 4228, to the Department of Business and Economic Development and Tourism, for foreign commerce purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair highway lighting under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

On March 16, 2007, the Department of Transportation determined that no significant environmental effects will result from this project. Federal Highways Administration concurred to the determination on April 6, 2007.

DCCA VERIFICATION:

Not applicable

APPLICANT REQUIREMENTS:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.
2. Process and obtain subdivision at Applicant's own cost.

REMARKS:

Pursuant to Act 160, Session Laws of Hawaii 2006, the Department of Transportation (DOT) will undertake a Capital Improvement Project for upgrading the highway lighting system. This project will be advertised in July 2009 and is scheduled to proceed in January 2010. The overall project includes work to be completed at various locations. DOT requests Easements E-1 and E-2 for highway lighting purposes.

The Department of Health, Department of Planning and Permitting and Department of Facility Maintenance have not responded as of the suspense date.

The State Historic Preservation Division and the Board of Water Supply have no objections to the subject request.

The Office of Hawaiian Affairs prefers that a term easement be granted, but that should a perpetual easement be instead granted, that the easement document include the subject ceded land status.

Upon the Board's approval, concurrences from the Governor and the Department of Business and Economic Development and Tourism related to subject parcel 30 will then be requested.

Further, DOT requests a construction and management right-of-entry for the subject area pending the issuance of the easement document.

RECOMMENDATION: That the Board:


- A. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of perpetual, non-exclusive easements to the Department of Transportation covering the project area for highway lighting purposes, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 1. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 2. Review and approval by the Department of the Attorney General; and
 3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- B. Issuance of a construction and management right-of-entry to the Department of Transportation covering the subject area under the terms and conditions cited above,

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which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry document form, as may be amended from time to time and
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

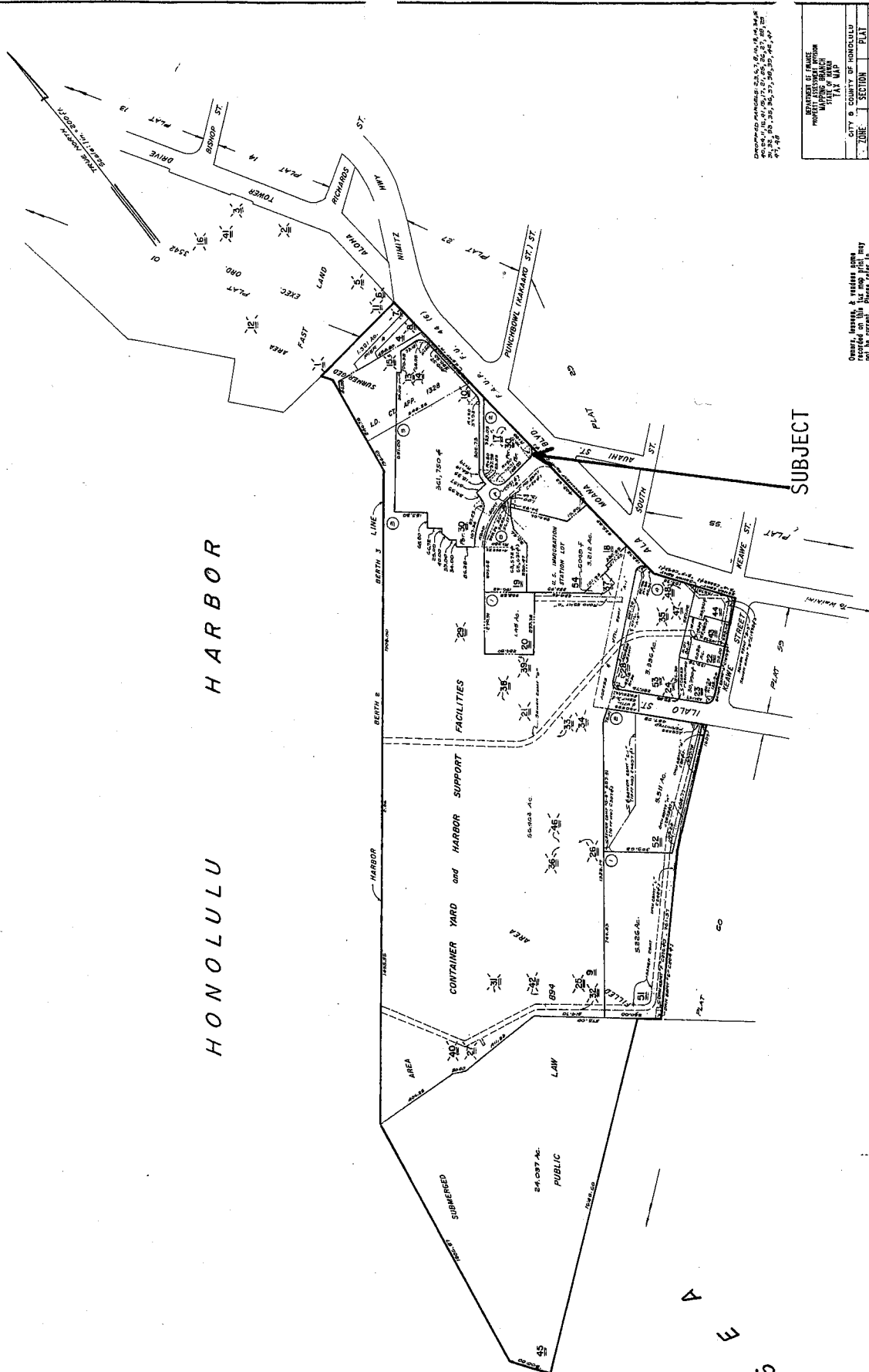


Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



DEVELOPED PARCELS: 2, 3, 6, 7, 8, 10, 13, 14, 34, 35,
40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55,
56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67,
68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81,
82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95,
96, 97, 98

DEPARTMENT OF FINANCE PROPERTY TAX DIVISION MAINE BRANCH STATE OF MAINE TAX MAP		
CITY & COUNTY OF HONOLULU		
ZONE	SECTION	PLAT
2	1	15
SCALE: 1" = 200 FT		

PRINTED:

Owners, lessors, & vendees some
not be current. Please refer to
computer and history sheets for
current owners.

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

KAAKAUKUI, HONOLULU, OAHU, HAWAII

EXHIBIT "A" 97